

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING
THURSDAY OCTOBER 1, 2015
INDIANA GOVERNMENT CENTER SOUTH
402 W WASHINGTON STREET, ROOM W064
INDIANAPOLIS, IN 46204**

CALL TO ORDER

The meeting was called to order at 11:00 a.m. by Theodore Mau, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

BOARD MEMBERS PRESENT:

Theodore Mau, Chairman
Samuel Frain, Vice Chairman
Robert Loose (left the meeting at 1:30 p.m.)
Thomas Sproles
Donald Alford
Christopher Cooke
Roland Cutter
Tasha Smith, State Department of Health

STATE OFFICIALS PRESENT:

Tracy Hicks, Board Director
Jennifer Broadbent, Assistant Board Director
Donald Hannah, Deputy Attorney General

ADOPTION OF THE AGENDA

The agenda was adopted as amended.

Frain/Cutter
8/0/0
Motion carried.

ADOPTION OF THE MINUTES OF THE AUGUST 6, 2015, MEETING OF THE BOARD

A motion was made and seconded to approve the minutes of the August 6, 2015 meeting.

Cutter/Sproles
8/0/0
Motion carried.

OFFICE OF THE ATTORNEY GENERAL REPORT

Written report was provided.

ADMINISTRATIVE HEARINGS

Administrative Appeal Hearing in the matter of Christine Bushby, FD20400085, SBFCS 15-10

A motion was made and seconded to waive the civil penalty and require completion of four hours of Indiana specific law, which may be obtained online.

Frain/Cutter
6/0/2
Motion carried.

Consideration of Proposed Settlement Agreement and Administrative Hearing in the matter of Thomas W. Root, FD01023461, SBFCS15-39

A motion was made and seconded to reject the proposed settlement and schedule a settlement conference with the participation of a board member via telephone.

Frain/Sproles
8/0/0
Motion carried.

Consideration of Proposed Settlement Agreement and Administrative Hearing in the matter of Root Funeral Home, FH83004552, SBFCS15-40

A motion was made and seconded to reject the proposed settlement and schedule a settlement conference with the participation of a board member via telephone.

Cooke/Frain
8/0/0
Motion carried.

PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR FUNERAL HOME LICENSE AND CERTIFICATE OF AUTHORITY RENEWAL IN THE MATTER OF ROOT FUNERAL HOME, FH83004552 AND CA09100368

A motion was made and seconded to table the applications pending the outcome of the administrative hearings in the matter of SBFCS 15-39 and SBFCS 15-40.

Loose/Sproles
8/0/0
Motion carried.

ADMINISTRATIVE HEARINGS

Administrative Appeal Hearing in the matter of Carol Dillion, FD20900079, SBFCS 15-13

A motion was made and seconded to reduce the fine to \$1000 providing she obtain two hours of Indiana law by the deadline indicated in the Notice of Noncompliance. The hours obtained to make up the deficiency shall not count toward her December 31, 2016 renewal requirement.

Frain/Sproles
6/0/2
Motion carried.

Administrative Appeal Hearing in the matter of David Ferguson, FD01012242, SBFCS 15-15

A motion was made and seconded to accept the one additional hour and assess the \$1000 civil penalty.

Alford/Loose
6/0/2
Motion carried.

Administrative Appeal Hearing in the matter of Brian Fitzpatrick, FD20300028, SBFCS 15-16

A motion was made and seconded to accept surrender of the license and upon any future reinstatement, he shall pay the \$1000 civil penalty and complete four hours of law and any other requirements in effect at that time.

Loose/Alford
6/0/2

Motion carried.

Administrative Appeal Hearing in the matter of Michael J. Ford, FD01000661, SBFCS 15-17

A motion was made and seconded to require payment of the \$1000 civil penalty and require two hours of Indiana law. The two hours may not be used to renew active December 31, 2016.

Frain/Sproles
6/0/2
Motion carried.

Administrative Appeal Hearing in the matter of Walter Gerber Jr., FD29600042, SBFCS 15-20

A motion was made and seconded to require payment of the \$1000 civil penalty and require two hours of Indiana law. The two hours must be live and may not be used to renew active December 31, 2016.

Sproles/Loose
6/0/2
Motion carried.

Administrative Appeal Hearing in the matter of Kevin Porter, FD08700167, SBFCS 15-28

A motion was made and seconded to accept his motion to withdraw the petition, accept the continuing education hours he presented, maintain the \$5000 civil penalty, and the hours may not be used to renew active December 31, 2016.

Frain/Alford
6/0/2
Motion carried.

Administrative Appeal Hearing in the matter of Arthur Sater, FD01008651, SBFCS 15-31

A motion was made and seconded to accept the surrender of the license, waive the civil penalty, and upon reinstatement, pay the \$1000 civil penalty, and complete one hour of law and other requirements in effect at that time.

Sproles/Frain
5/0/2
Motion carried.

Administrative Appeal Hearing in the matter of Megan Shaughnessy, FD21200033, SBFCS 15-34

A motion was made and seconded to require one hour of Indiana law and reduce the civil penalty to \$1000. The one hour may not be used to renew active December 31, 2016.

Cooke/Frain
5/0/2
Motion carried.

**PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR RENEWAL OF LICENSE
IN THE MATTER OF ROBERT T. HOLLAND, FD29700058**

A motion was made and seconded to refer the matter to the Office of the Attorney General to conduct an investigation pursuant to IC 25-1-8-8(b)(4).

Frain/Alford
5/0/2
Motion carried.

PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR LICENSE

Kasandra D. Michaelis – Funeral Director Intern

A motion was made and seconded to issue the license on indefinite probation with no right to petition for removal until she can prove that all criminal requirements have been met in Arizona.

Frain/Alford
5/0/2
Motion carried.

Travis Lee Surber - Funeral Director Intern

A motion was made and seconded to issue a license on indefinite probation with no right to petition for removal of probation until he appears before the board no earlier than six months from the date of the final order to report his ongoing status and proves there are no additional violations.

Cutter/Smith
5/0/2
Motion carried.

Brad Allen Watson – Funeral Director by Reciprocity

A motion was made and seconded to approve the application pending proof from the Illinois board indicating there is no pending litigation, etc. and if they know about his convictions.

Frain/Sproles
5/0/2
Motion carried.

CONSIDERATION OF APPLICATION FOR RENEWAL OF LICENSE AND REQUEST FOR HARDSHIP WAIVER OF THE CONTINUING EDUCATION REQUIREMENT IN THE MATTER OF LORA L. THOMAS, FD20200094

The matter will be considered at the December 3, 2015 meeting due to lack of a quorum.

CONSIDERATION OF REQUEST TO SURRENDER LICENSE IN THE MATTER OF JOE D. DECHARD, JR., FD09100033, SBCBE 15-12

The matter will be considered at the December 3, 2015 meeting due to lack of a quorum.

CONSIDERATION OF CONTINUING EDUCATION FILED FOR NOTICE OF NONCOMPLIANCE IN THE MATTER OF DONALD J. EGELER, FD20700065, SBCBE 15-14

The matter will be considered at the December 3, 2015 meeting due to lack of a quorum.

CONSIDERATION OF SUSPENSION OF LICENSE FOR FAILURE TO COMPLY WITH THE NOTICE OF NONCOMPLIANCE

A motion was made and seconded to suspend the following licenses due to non-compliance with the Board's Order.

Frain/Sproles
5/0/2
Motion carried.

- Joe D. Deckard, Jr., FD09100033, SBCBE 15-12
- Kevin Alan Fouche, FD29400029, SBCBE 15-18
- Paul F. Kraft, Jr., FD01001641, SBCBE 15-22
- Marjorie Kunch, FD20500007, SBCBE 15-23

Spencer Allen Skorupski, FD21100045, SBCBE 15-35
Scott H.A. Willison, FD21100011, SBCBE 15-37

REASSIGNMENT OF SUCCESSOR SELLER PURSUANT TO IC 30-2-13-15(E) IN THE MATTER OF ELLIS FUNERAL HOME LLC, FH83002152 AS SUCCESSOR SELLER FOR THE PRENEED FILE OF DAVID PHILLIPS, CURRENTLY ASSIGNED TO MICHEAUX FUNERAL HOME, FH83002102 (CLOSED 4/1/09)

A motion was made and seconded to assign Ellis Funeral Home, LLC, FH83002152 as successor seller for the preneed file of David Phillips.

Frain/Sproles
7/0/0
Motion carried.

CONSIDERATION OF PAYMENT OF INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS 2016 MEMBERSHIP DUES FROM THE EDUCATION FUND; \$250.00

A motion was made and seconded to approve payment from the funeral director education fund in the amount of \$250.00 for the International Conference of Funeral Service Examining Boards 2016 annual dues.

Frain/Sproles
5/0/2
Motion carried.

DISCUSSION OF NEWSLETTER ARTICLES

The matter will be considered at the December 3, 2015 meeting due to lack of a quorum.

VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

The following will be considered at the December 3, 2015 meeting due to lack of a quorum.

- A. Edith Gordon for Gerald Gordon**
Re: Grandview Memorial Gardens, CM40100006
- B. Burns Funeral Home for Evelyn Kindel**
Re: Kraft Funeral Home, FH10000005 (Revoked)
- C. Yvonne R. Yocum for Billy G. Yocum**
Re: Grandview Memorial Gardens, CM40100006
- D. Dorese LaDean Young for Chester Young**
Re: Northeast Indiana Cremation Society, CR30000006 (Closed)
- E. Williams and Bluit for Mary Walker**
Re: Marvin L. Boatright Funeral Service, FH10500002 (Closed)

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

A motion was made and seconded to approve and deny the courses as indicated below.

Frain/Sproles
5/0/2
Motion carried.

NEW COURSES FROM PREVIOUSLY APPROVED SPONSORS

Batesville Casket Company, CE10800652 – (No IN Law)

- Unlocking Consumer Perception and Attitudes to Create a Positive Experience, November 20, 2015, 2 CEUs
- Working on Your Business: Managing Collections and Cash Flow, November 20, 2015, 1 CEU

Dodge Institute for Advanced Mortuary Studies, CE10800694 – (No IN Law)

- America Project, December 11, 2015, 3 CEUs – Change in presenter

Federated Funeral Directors of America, CE10800706 - (No IN Law)

- Cremation Analysis – Breakeven for Installation, November 13, 2015, 1 CEU
- Improving the Performance of your Business with Technology, November 13, 2015, 1 CEU
- Taking Control of your Accounts Receivables, November 13, 2015, 1 CEU
- Transaction Structure & Tax Ramifications, November 13, 2015, 1 CEU
- Compliance with the FTC Funeral Rule & Tort Liability of the Funeral Provider, Nov. 13, 2015, 1 CEU
- 3 Simple Strategies to Increase Your Bottom Line, November 13, 2015 1 CEU
- Funeral Industry Access to Capital – The Challenges, the Process, the Solutions, Nov. 13, 2015 1 CEU

Greater Cincinnati Funeral Service Association, CE10800729 – (No IN Law)

- Arranging an Unique Funeral, October 27, 2015, 2 CEUs

Indiana State Coroners Training Board, CE21200008 - (No IN Law)

- 40-Hour Medicolegal Death Investigation, September 9, 2015 – September 13, 2015, 40 CEUs

The Kentucky Association of Morticians, Inc., CE21400019

- KAM Board Meeting, October 20, 2015, 1 CEU (No IN Law)
- Cash Only Solutions, October 20, 2015, 1 CEU (IC 25-15-2-22) – **DENIED**, does not meet 832 IAC 4-1-1(d)
- Funding Pre-Arranged Funerals, October 20, 2015, 1 CEU (IC 30-2-13) - **DENIED**, does not meet 832 IAC 4-1-1(d)
- Fundamentals of Cremation Operations, October 20, 2015, 1 CEU (IC 23-14-31) - **DENIED**, does not meet 832 IAC 4-1-1(d)

National Funeral Directors & Morticians Association, Inc., CE10800785 - (No IN Law)

- Helping Your Business Succeed Through Stronger Financial Management, October 27, 2015, 1 CEU
- Parliamentary Procedures: Refreshing Your Mind On How It All Works, October 27, 2015, 1 CEU

Ohio Funeral Directors Association – District One, CE20800910 – (No IN Law)

- FDLIC & OFDA Updates, September 23, 2015, 2 CEUs (no outline)

Wabash Valley Funeral Directors Association, CE21400020 – (No IN Law)

- Funeral Preneed Ethics, November 12, 2015, 3 CEUs

NEW APPLICATIONS FOR RECOGNITION AS A SPONSOR OF CONTINUING EDUCATION

Astral Industries, Inc.

- Casket Manufacturing Plant Tour, November 5, 2015, 1 CEU (No IN Law)
- How the Families' Needs & Wants are Changing, November 5, 2015, 1 CEU (IC 25-15-2-22) - **DENIED**, does not meet 832 IAC 4-1-1(d)
- Enhancing Revenues, November 5, 2015, 1 CEU (IC 25-15-2-22) - **DENIED**, does not meet 832 IAC 4-1-1(d)

Drake University – Center for Professional Studies

- Certificate in Strategic Management, October 6-8, 2015, 17 CEUs (IC 30-2-13 & IC25-15-2-22) - **DENIED**, does not meet 832 IAC 4-1-1(d)

Paragon Casket, Inc. – (No IN Law)

- Industry Trends: Merchandising in Today's Marketplace, Ongoing, 2 CEUs

Wilbert Funeral Services, Inc. - (No IN Law)

- Better Communication with Families, Ongoing, 1 CEU,
- How Families Make Buying Decision, Ongoing, 1 CEU
- Mix Matters, Ongoing, 1 CEU
- We Just Want Cremation – Outside, Ongoing, 1 CEU
- Operations Tour, Ongoing, 1 CEU
- Keys to Weathering Death Care's Perfect Storm, Ongoing, 1 CEU
- Shipping is a Serious Business – How Are You Managing the Risk, Ongoing, 1 CEU
- 50 Shades of Grey, Ongoing, 1 CEU
- A Closer Look at Prep Room Safety, Ongoing, 1 CEU
- Drop Dead Gorgeous, Ongoing, 1 CEU
- The Ethical Funeral Director, Ongoing, 1 CEU
- The Complexities of Cremation Services & Serving Families That Select Cremation, Ongoing, 1 CEU

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 3:09 p.m.